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EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

14

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/853,668

Filing Date: May 14, 2001

Appellant(s): PARK

Daniel Y.J. Kim
Carol L. Druzbeck
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 20, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

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(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 14-18, 24-28, 32-37, 43-47, 55-56 and 59-62 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,954,820	Hetzler	09-1999
5,386,577	Zenda	01-1995

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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(11) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(12) Claims 14-17, 24-28, 32-36, 43-47, 55-56 and 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Hetzler (U.S. Patent No. 5,954,820).

As to claim 14, Hetzler discloses a computer readable medium having stored thereon a sequence of instructions which, when executed by a processor, cause the processor to perform the steps of monitoring a system to determine whether for a certain display related processes are running (e.g., determining whether keystrokes is inputted or not); see column 8, lines 8-13. Hetzler teaches a step of maintaining the brightness of the display if the certain display related processes are running (backlight is turned on when a user is viewing the display) and reducing the brightness of a display if the certain display related processes are not running (backlight 13 is turned off when a user is not viewing the display); see column 3, lines 2-9 and column 5, lines 13-50 and column 8, lines 8-13.

While this is unlike Applicant's disclosed device it reads on the broad claimed language.

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As to claim 33, this claim differs from claim 14 only in that claim 33 deletes the limitation computer-readable medium recited in preamble of claim 14. Thus, claim 33 is analyzed as previously discussed with respect to claim 14 above since claim 33 is broader than claim 14.

As to claim 32, this claim differs from claim 14 and 33 above only in that claim 32 is apparatus whereas claims 14 and 33 are method. Thus, apparatus claim 32 is analyzed as previously discussed with respect to method claims 14 and 33 above.

As to claims 15 and 34, Hetzler clearly teaches system being a computer (portable computer 41).

As to claims 16 and 35, Hetzler teaches a liquid crystal display screen (11).

As to claims 17 and 36, Hetzler clearly teaches monitoring for user input signal (i.e. keyboard activity); see column 3, lines 2-9.

As to claims 24 and 43, Hetzler teaches the monitoring step including determining whether a video process related device is in use ; see column 6, lines 17-64.

As to claims 25-26, 28 and 43-45, 47, Hetzler teaches the use DVD; see column 6, lines 17-18. It is known in the art that DVD could be either a readable and writeable memory and a read only memory.

As to claims 27, 46, 55, 59, 61 Hetzler clearly teaches a CD-ROM; see column 6, lines 17-18.

As to claims 56, 60, 62 Hetzler clearly teaches the display related processes not including user inputs via a mouse or a keyboard (see column 8, lines 8-13).

Claim Rejections - 35 USC § 103

(13) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(14) Claims 18 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetzler in view of Zenda (U.S. Patent No. 5,386,577).

As to claims 18 and 37, note the discussion of Hetzler above, Hetzler does not mention the step of determining whether the system is powered by an internal power source. Zenda teaches that "in response to the low battery state, a luminance control signal having a minimum luminance value is supplied to the flat panel display. When the personal computer is driven by the AC adapter, a luminance control signal having a maximum luminance value is supplied to the flat panel display"; see column 6, line 36 through column 7, line 6. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the step detecting the system being powered by an internal source (battery) to the power control of Hetzler so as to avoid the battery operation time being shortened more than necessary (see column 3, lines 35-45).

(11) *Response to Argument*

As to 35 U.S.C. § 102(b), on page 16, first paragraph of the argument, appellant argues that Hetzler determines whether to enter a power-save mode based on recent access history, not by determining whether certain display related processes are

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running. However, Hetzler teaches not only determining whether to enter a power-save mode based on recent access history as applicant's argument, but also determining whether to enter a power-save mode based on key strokes or moving the pointing device (see column 8, lines 8-13). The key strokes or moving the pointing device clearly reads on certain display related processes are running.

Appellant cites column 8, lines 37-40 of Hetzler that "access pattern may be characterized in terms of frequencies, i.e. the rate at which component access occur, and a distribution of frequencies may be determined from the access history", and concludes that Hetzler only teaches entering a power saving mode based on access history (i.e. the rate at which component access occur). However, appellant does not take consideration the reference as a whole. Access history of Hetzler is not only determining the rate at which component access occur, but also determining whether to enter a power-save mode based on key strokes or moving the pointing device (see column 8, lines 8-13).

On second paragraph of page 16, lines 6-8, appellant argues that "column 8, lines 1-29 are not directed to a different embodiment but rather are explanatory disclosure directed to how the Hetzler device determines access history. Then the access history is then utilized statistically to determine when to exit and enter the power saving modes in anticipation of the beginning and end of a period access". Examiner would to present his point of view as follows: the claimed "whether certain display related processes are running" is so broad that it can read on process of power saving mode using keystrokes or moving the pointing device in Hetzler even the process is in

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the access history (column 8, lines 1-29). The claims do not require "the certain display related process being independent from the access history". Column 8, lines 6-13 clearly states that "keyboard and pointing device access or uses as indirect indications of the display access by user (e.g., viewing the display)". Thus column 8, lines 1-29 clearly reads on the claimed "display related processes" even the keyboard or point devices access is one of the component access frequencies.

As to claims 14-17, 24-28 and 55-56, Appellant argues that "Hetzler determines whether to enter a power save mode based on a statistical analysis of recent access history, not by determining whether certain display processes are running". Examiner disagrees with appellant this point of view since column 8, lines 6-13 of Hetzler clearly states that "keyboard and pointing device access or uses as indirect indications of the display access by user (e.g., viewing the display)". Appellant does not argue how the recitation above (column 8, lines 1-29) differs from the claimed "whether certain display processes are running". Using key strokes or moving the pointing device accesses of Hetzler clearly reads on claimed certain display related processes are running.

As to claims 32 and 59-60, Appellant presents the same arguments as to claims 14-17, 24-28 and 55-56. Thus, these claims are analyzed as previously discussed above.

As to claim 33-36, 43-47 and 61-62, again appellant repeats the same arguments as to claim 14-17, 24-28 and 55-56. These claims also are analyzed as previously discussed above.

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As to **35 U.S.C. § 103(a)**, appellant has failed to address how the reference differs from the claim and simply represents what the reference of Zenda discloses. Zenda clearly teaches the limitations recited in claims 18 and 37 as set forth in the rejection.

As to the withdrawn claims 1-13, 19-23, 29-31, 38-42, 48-54 and 57-58, since these claims are withdrawn from the consideration and not appealed by appellant (see status of the claims). These claims are not rejected or analyzed over the reference of Hetzler.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Chanh Nguyen
Primary Examiner
Art Unit 2675

C. Nguyen
October 29, 2004

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